

REMARKS

The *Arabidopsis* NI16 gene was isolated in a yeast 2-hybrid screen via its interaction with the NIM1 protein and encodes a protein involved in the regulation of SAR gene expression in plants. NI16 is strongly induced in NIM1-overexpressing plants treated with benzo(1,2,3)thiadiazole-7-carbothioic acid *S*-methyl ester (BTH). The nucleic acid sequence of the *Arabidopsis* NI16 promoter, and fragments of the promoter that retain inducible promoter function, as well as transgenic plants containing chimeric genes and vectors comprising the promoter and the promoter fragments, are claimed in the present application.

Claims 1, 5-12, and 16-24 are pending in this case. In the instant amendment, Applicants have cancelled claims 22-24 without prejudice or disclaimer, and Applicants submit that this step renders the outstanding rejections of Claim 24 and Claims 22-23 moot. No further amendments are presented, and Applicants respectfully submit that the case is now in condition for allowance and issue.

Applicants wish to thank the Examiner for her finding of allowability for claims 1, 5-12, and 16-21. Applicants reserve the right to file continuing applications relating to subject matter covered by withdrawn or cancelled claims.

CONCLUSION

Applicants respectfully submit that all outstanding issues in the present case have been addressed in this paper. Applicants request continued prosecution on the merits and allowance of the claims as presented herein. In the event issues remain that could be dealt with on the telephone, the Examiner is encouraged to call the undersigned attorney for Applicants at 919-541-8587.

Respectfully submitted,



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